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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,971	05/30/2006	Lothar Dumke	065517.00074	5193

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HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak, MI 48067

EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,971	Applicant(s) DUMKE ET AL.	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/30/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The applicant's information disclosure statement dated 5/20/2006 has been considered and a copy has been placed in the file.

The drawings are objected to because is it not readily apparent to the Examiner exactly where the cross-sectional views are taken from. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 12, the phraseology "relatively large" is not readily understood by the Examiner. How is the term "relatively" defined? In claim 12, line 2, the phraseology "relatively rigid" is not readily understood. How rigid is "relatively rigid"? In claim 16, line 2, the applicant recites "relatively soft". How soft is "relatively soft"? In claim 1, lines 14-15, the phraseology in its entirety is not readily understood. Specifically, is the applicant trying to claim the controlling portion (i.e., bulbous portion) to be either solid or cellular and solid? What does "foamed across the entire cross-section" mean? In claim 1, line 1, the phraseology "A sealing, trimming or finishing strip" is not readily understood by the Examiner. Specifically, what is the applicant trying to claim?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP Patent no. 1 138 588 A1 to Muga in view of U.S. patent to Clark (1,928,992). As shown in Figure 2, EP Patent no. 1 138 588 A1 to Muga discloses a sealing strip comprising a U-shaped reinforced (2) mounting portion (1), a cosmetic

Art Unit: 3634

sealing strip (3), a hollow sealing portion (5), and a sponge/cellular (all rubbers have "cellular structure") bulbous portion (7 and 10) attached to the inside (8 and 9) of the hollow sealing portion (5). EP Patent no. 1 138 588 A1 to Muga fails to provide a solid bulbous portion. Clark ('992) discloses sealing strips and more specifically (see Figure 12) a sealing strip having a bulbous portion (37) contained within the hollow tubular portion. It would have been obvious to one ordinary skill in the art at the time of the invention to provide the sealing strip of EP Patent no. 1 138 588 A1 to Muga with a solid bulbous portion as taught by Clark ('992) since a solid bulbous portion provides extra rigidity to the sealing strip when mounted between a frame and a movable closure. With respect to claims 4 and 5, it would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the bulbous portion to be either a hard solid (as taught by Clark ('992)) or of a sponge material (as taught by EP Patent no. 1 138 588 A1 to Muga) since the difference would be a design choice in adjusting the amount of rigidity within the hollow portion (5).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP Patent no. 1 138 588 A1 to Muga and U.S. patent to Clark (1,928,992) as applied to claim 10 above, and further in view of Aritake (6,571,514). All of the elements of the instant invention are discussed in detail above except providing the sealing strip with "fabric". Aritake (6,571,514) discloses a sealing strip having an outer fabric layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the sealing strip of EP Patent no. 1 138 588 A1 to Muga with a fabric as taught

Art Unit: 3634

by Aritake ('514) since fabric allows one to provide any desired color and/or design to the sealing strip for aesthetic appearance.

Claims 6-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Several patents have been cited which disclose elements similar to that of the applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is 571-272-6835. The examiner can normally be reached on M-TH from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Mitchell, can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/580,971

Page 6

Art Unit: 3634

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jerry Redman
Primary Examiner
Art Unit 3634

/Jerry Redman/
Primary Examiner, Art Unit 3634